

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION

4 UNITED STATES OF AMERICA,) **Case No. 3:17-mj-00171-BK**
5) **(Merged into 3:17-cr-169-B-1)**
6 Plaintiff,)
7 v.) Dallas, Texas
8 SAID AZZAM MOHAMAD RAHIM,) March 6, 2017
9 Defendant.) 2:00 p.m.
10) INITIAL APPEARANCE
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8 TRANSCRIPT OF PROCEEDINGS
9 BEFORE THE HONORABLE RENEE HARRIS TOLIVER,
10 UNITED STATES MAGISTRATE JUDGE.

11 APPEARANCES:

12 For the Government: Errin Martin
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24 Proceedings recorded by electronic sound recording;
25 transcript produced by transcription service.

1 DALLAS, TEXAS - MARCH 6, 2017 - 2:13 P.M.

2 THE COURT: The Court next calls Case No. 3:17-mj-
3 171-BK, United States of America versus Rahim.

4 MS. MARTIN: Errin Martin for the Government, Your
5 Honor.

6 THE COURT: Good afternoon.

7 MR. WHALEN: James Whalen standing by for Mr. Rahim,
8 Your Honor.

9 THE COURT: Good afternoon again.

10 Good afternoon, sir.

11 THE DEFENDANT: Good afternoon. Hi.

12 THE COURT: Will you state your full name, please?

13 THE DEFENDANT: Said Rahim.

14 THE COURT: And is that your full name?

15 THE DEFENDANT: It's actually Said Azzam Mohamad
16 Rahim. But I go by Said Rahim, make it easy. Said, first
17 name, and Rahim, last name.

18 THE COURT: Mr. Rahim, you have the right to remain
19 silent. You're not required to make a statement. If you have
20 already made a statement, you don't have to say anymore. If
21 you start to make a statement, you have the right to stop at
22 any time. And if you have already made a statement, you don't
23 have to say anymore. However, any statement you make may
24 later be used against you.

25 Do you understand, sir?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Sir, you also have the right to an
3 attorney to represent you at all stages of your case. And if
4 you cannot obtain your own attorney, you have the right to
5 have an attorney appointed to represent you.

6 THE DEFENDANT: Yes, I do understand.

7 THE COURT: And I understand you want me to appoint
8 an attorney to represent you; is that correct?

9 THE DEFENDANT: No, actually, for now. He say he
10 represent me for today. Then I make phone calls and I see if
11 I find another one.

12 THE COURT: Okay.

13 THE DEFENDANT: He say for today. But I might get
14 another one.

15 THE COURT: Okay. When will you know if you're going
16 to have an attorney?

17 THE DEFENDANT: When I make phone calls. When I get
18 chance to make a phone call.

19 THE COURT: Okay.

20 THE DEFENDANT: He came, he told me, I'm here for you
21 for today.

22 THE COURT: Okay.

23 THE DEFENDANT: Are you not?

24 THE COURT: And he is, and it's based on your
25 financial situation. You know, I do find that you qualify for

1 the appointment of an attorney. However, I --

2 THE DEFENDANT: But I have people -- oh, sorry.

3 THE COURT: However, I also think that you could --
4 you might be able to contribute toward the cost of that
5 attorney. I'll make a decision about whether or not you can
6 contribute toward the cost of your attorney when I make a
7 determination about the Government's detention motion that
8 they have filed in your case. And so if you want me to
9 appoint an attorney for you now, we'll appoint an attorney for
10 you now.

11 Do you want me to go ahead and appoint an attorney for you
12 now?

13 THE DEFENDANT: No.

14 THE COURT: You don't want me to appoint an attorney
15 for you now?

16 THE DEFENDANT: No. I told you, when I leave the
17 court, I make phone call and I see.

18 THE COURT: Okay. Well, I won't appoint an attorney
19 for you now. But what I will do --

20 THE DEFENDANT: Uh-huh.

21 THE COURT: -- is I'll explain to you -- well, first
22 of all, do you read, write, and understand English? Do you
23 read, write, and understand English?

24 THE DEFENDANT: No, yeah, I do.

25 THE COURT: Have you seen a copy of the criminal

1 complaint charging you in this case?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. The -- have you had an
4 opportunity, then, to read over that criminal complaint?

5 THE DEFENDANT: (faintly) Yeah.

6 THE COURT: Do you understand, then, what it alleges
7 that you did to violate the law?

8 THE DEFENDANT: I read, yeah, I read the statement.

9 THE COURT: Okay. Okay. And I'm not asking you
10 whether or not you agree, just whether or not you understand
11 what the charge is.

12 THE DEFENDANT: (faintly) Yeah, I do.

13 THE COURT: Okay. The Government is seeking to
14 detain you. That is, to keep you in custody until this case
15 is resolved. That's the first thing. The other thing is,
16 because you're charged by complaint at this point and you have
17 not been indicted by a grand jury, you have the right to a
18 preliminary hearing. That's a hearing where the Government
19 would have to present evidence to establish that there is
20 probable cause to believe that you committed that offense
21 that's alleged in the criminal complaint. Also, you have the
22 right to a hearing on their motion for detention.

23 The Government has said that it is ready to go to that
24 hearing today. It is in your best interest, not being a
25 lawyer, not to proceed to that hearing today, especially since

1 you want to hire your own attorney. Would you agree with me?

2 THE DEFENDANT: (faintly) Yes.

3 THE COURT: Okay. So I can give you some time to
4 hire an attorney. How long do you think you will need to do
5 that?

6 THE DEFENDANT: As soon I make a phone call, talk to
7 my brother, he -- he let me know.

8 THE COURT: Okay. So, give me an amount of time.
9 You can have up to five days.

10 THE DEFENDANT: Yeah. Maximum five days.

11 THE COURT: You want five days?

12 THE DEFENDANT: Maximum. Could be less, but, yeah,
13 five-day maximum.

14 THE COURT: Okay. Five days would make it be -- next
15 Monday? Next Monday? Okay. So, next Monday is March 13th.
16 So, next Monday, March 13th, at 2:00 p.m., we're going to have
17 your detention hearing as well as a preliminary or probable
18 cause hearing in your case. And so the attorney you hire will
19 be one who is licensed to practice in this Court, and he or
20 she will know that they need to make an appearance in your
21 case and they will know when that hearing is. Okay. Until
22 that time, sir, you're going to be in custody. Do you
23 understand?

24 THE DEFENDANT: (faintly) Right.

25 THE COURT: Okay. Let me tell you. If we've not

1 heard from an attorney in your case by then, it's not going to
2 be good. So you make sure you've hired an attorney and you
3 tell your relatives to have your attorney contact the Court
4 before that time, okay? Will you be able to do that?

5 THE DEFENDANT: (faintly) Yes.

6 THE COURT: Okay. Then you're going to be
7 temporarily detained. And so I'm going to remand you now to
8 the custody of the U.S. Marshal pending your hearing next
9 Monday.

10 Thank you, Mr. Whalen.

11 MR. WHALEN: Your Honor, even though I haven't been
12 appointed to represent him, if you could just let him know, he
13 did not interview with Probation, and so to make sure he lets,
14 if it's not me or whoever his new attorney is, that that has
15 not been done and that's an important part of the process,
16 Your Honor.

17 THE COURT: Mr. Rahim, did you hear what Mr. Whalen
18 said?

19 THE DEFENDANT: Yeah.

20 THE COURT: Okay. So you're going to make that
21 information known to your attorney as well, that you did not
22 interview with the Pretrial Services officer? Sir? Okay.
23 You're remanded to the custody of the U.S. Marshal, sir,
24 pending that hearing.

25 Thank you, Mr. Whalen.

1 MR. WHALEN: You're welcome.

2 (Proceedings concluded at 2:19 p.m.)

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CERTIFICATE

20 I certify that the foregoing is a correct transcript from
21 the digital sound recording of the proceedings in the above-
22 entitled matter.

23 **/s/ Kathy Rehling**

01/17/2020

24 _____
25 Kathy Rehling, CETD-444
Certified Electronic Court Transcriber

Date

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